



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 26, 1995

Ms. Gail Fenter
Assistant City Attorney
City of Midland
P.O. Box 1152
Midland, Texas 79702-1152

OR95-291

Dear Ms. Fenter:

You asked whether information is subject to required public disclosure under the Open Records Act, Chapter 552 of the Government Code. Your request was assigned ID# 30604.

The City of Midland (the "city") received an open records request for complaints and a letter or letters written about the requestor and the requestor's business. You state that the city will release all responsive information with the exception of the name, address and any other information that would identify the addressee of a certain letter. You contend that the addressee's identity is excepted from disclosure under section 552.101 of the Government Code as information protected by the "informer's privilege."

On the basis of *Roviaro v. United States*, 353 U.S. 53 (1957), this office has held the informer's privilege applicable to communications made to law enforcement officials regarding the alleged commission of a crime. See Open Records Decision No. 515 (1988). In Open Records Decision No. 279 (1981), this office concluded that the identity of a person who reports a zoning violation to administrative officials with a duty to enforce zoning violations is excepted from disclosure under section 552.101 of the Open Records Act, as information deemed confidential by the informer's privilege. See also Open Records Decision No. 355 (1982) (informer's privilege applicable to complaints concerning air pollution reported to city officials with duty to enforce local and state air quality requirements).

You have demonstrated that the addressee reported an alleged city code violation to city officials. A violation is punishable by a fine not to exceed \$2,000.00. We conclude that you may withhold information that would tend to identify the addressee under the informer's privilege. Accordingly, you may withhold the information you have marked in exhibit B.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Mary R. Crouter".

Mary R. Crouter
Assistant Attorney General
Open Government Section

MRC/SAB/rho

Ref.: ID# 30604

Enclosures: Submitted documents

cc: Mr. Doug Patterson
4509 Cardinal Lane
Midland, Texas 79707
(w/o enclosures)